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JOHN STEELE; and MICHAEL BUSBY

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

DAVID MERRITT and SALMA  
MERRITT,

Plaintiffs,

v.

JP MORGAN CHASE, N.A., JAMIE  
DIMOND, DAVID GILLIS,  
STRUCTURED ASSET  
MORTGAGE INVESTMENTS II,  
INC., JOHN C. COSTANGO,  
AISLING DESOLA, SPECIALIZED  
LOAN SERVICER, TOBEY  
WELLS, AMI MCKERNAN, LES  
ZIEVE BRODNAX & STEELE LLP,  
JOHN STEELE, MICHAEL BUSBY,  
U.S. BANK NATIONAL  
ASSOCIATION, ANDREW  
CECERE, BRYAN CAVE,  
LEIGHTON PAISNER LLP, JAMES  
GOLDBERG, BEVERLY BROOKS,  
AVID MARCUS, and 10  
UNKNOWN ASSISTANT  
GENERAL COUNSELS,

Defendants.

CASE NO.: 5:17-cv-06101-LHK

*Assigned to:*

District Court Judge Lucy H. Koh  
Magistrate Judge Virginia K. DeMarchi

**DECLARATION OF JENNIFER A.  
NEEDS IN RESPONSE TO  
PLAINTIFFS' ADMINISTRATIVE  
APPLICATION TO ENLARGE  
TIME IN WHICH TO FILE  
OPPOSITION TO DEFENDANTS'  
MOTIONS TO DISMISS**

Date Action Filed: October 25, 2017  
Trial Date: Not set

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1 I, Jennifer A. Needs, declare:

2 1. I am a managing attorney with the firm of Zieve, Broadnax & Steele,  
3 LLP, counsel-of-record for Defendants ZIEVE, BRODNAX & STEELE, LLP;  
4 LES ZIEVE; JOHN STEELE; and MICHAEL BUSBY (collectively, “Trustee  
5 Defendants”) in the above-captioned action. I am licensed to practice before all  
6 California State Courts; the United States District Courts for the Central, Eastern,  
7 Northern, and Southern Districts of California; and the United States Court of  
8 Appeals for the Ninth Circuit. The facts stated herein are known to me of my own  
9 personal knowledge. I believe that, if called to testify orally, I could and would do  
10 so competently.

11 2. On June 4, 2018, Trustee Defendants filed a Motion to Dismiss  
12 Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure or, in the  
13 Alternative, Rule 4(m) of the Federal Rules of Civil Procedure (Doc. 130)  
14 (“MTD”).

15 3. I am in receipt of Plaintiffs’ Administrative Application to Enlarge  
16 Time in Which to File Opposition to Defendants’ Motion to Dismiss (Doc. 136)  
17 wherein Plaintiffs state “Plaintiffs have contacted defendants who have refused to  
18 stipulate to such an extension.” This statement is false. I personally inquired with  
19 the personnel in my office, and neither I nor anyone at my firm received any  
20 request from Plaintiffs for an extension to oppose Trustee Defendants’ MTD.

21 I declare under the penalty of perjury under the laws of the United States of  
22 America and the State of California that the foregoing is true and correct.  
23 Executed June 15, 2018 at Irvine, California.

24  
25 /s/ Jennifer A. Needs  
26 JENNIFER A. NEEDS  
27  
28

**PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. I am employed by Zieve, Brodnax & Steele, LLP, whose business address is: 30 Corporate Park, Suite 450, Irvine, CA 92606.

On June 15, 2018, I served the within document(s) described as:  
**DECLARATION OF JENNIFER A. NEEDS IN RESPONSE TO PLAINTIFFS' ADMINISTRATIVE APPLICATION TO ENLARGE TIME IN WHICH TO FILE OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS** on the interested parties in this action:

Name & Address	Telephone / Fax / E-mail	Role
David Merritt Salma Merritt 660 Pinnacles Terrace Sunnyvale, CA 94085 <b>Overnight Service</b>	Tel: (408) 469-5584 Fax: theadadvocate@gmail.com	<i>Plaintiffs in pro per</i>
The Ryan Firm, APC Timothy M. Ryan Michael W. Stoltzman 30 Corporate Park, Suite 450 Irvine, CA 92606	Tel: (949) 263-1800 Fax: Email: mstoltzman@theryanfirm.com	<i>Attorneys for Defendants Specialized Loan Servicing, LLC, Toby Wells, Ami McKernan, U.S. Bank National Association and Andrew J. Cecere</i>
Bryan Cave LLP Joseph Poppen Three Embarcadero Center 7 <sup>th</sup> Floor San Francisco, CA 94111	Tel: 415-675-3400 Fax: 415-675-3434 Email: joseph.poppen@bryancave.com	<i>Attorneys for Defendants JP Morgan Chase Bank, Jamie Dimond and Aisling Desola</i>
Bryan Cave Leighton Paisner LLP James Goldberg, Esq. Three Embarcadero Center 7 <sup>th</sup> Floor San Francisco, CA 94111-4070	Tel: 415-675-3400 Fax: 415-675-3434 Email: jim.goldberg@bclplaw.com	<i>Attorneys for Defendants Bryan Cave Leighton Paisner LLP and James Goldberg</i>

- ☒ **BY OVERNIGHT MAIL** (Code Civ. Proc. § 1013(c))—I placed said envelope(s) for collection by **FedEx**, following ordinary business practices, at the business offices of Zieve, Brodnax & Steele, LLP for collection and processing of correspondence with said overnight mail service, and said envelope(s) will be deposited with said overnight mail service on said date in the ordinary course of business.

1 I am “readily familiar” with the firm’s practice of collection and processing  
2 of correspondence for service with said overnight mail service. It is  
3 deposited with said overnight mail service on that same day in the ordinary  
4 course of business. I am aware that, on motion of a party served, service is  
5 presumed invalid if the said overnight delivery service cancellation date or  
6 delivery date on the overnight delivery service slip is more than one day  
7 after the date of deposit with said overnight delivery service contained in  
8 this affidavit.

9 ☒ **CM/ECF** (U.S. District Court, Northern District of California, Local Civil  
10 Rule 5-5)—The NEF that is automatically generated by the Court’s  
11 Electronic Filing System constitutes service of the filed document(s) on  
12 registered users. All parties who are not registered, if any, were served in  
13 the manner set forth above.

14 ☒ (Federal) I declare that I am employed in the office of a member of the bar  
15 of this Court at whose direction the service was made.

16 Executed on June 15, 2018, at Irvine, California.

17 /s/ Michelle Pollock  
18 MICHELLE POLLOCK